

Brown-Waite, Hill
Ginny Hinchey
Burgess Hinojosa
Burns Hobson
Butterfield Hoeffel
Buyer Hoekstra
Calvert Holden
Camp Holt
Capito Honda
Capps Hooley (OR)
Capuano Houghton
Cardin Hoyer
Cardoza Hulshof
Carson (IN) Hunter
Carson (OK) Inslee
Case Isakson
Castle Israel
Chabot Issa
Chandler Jackson (IL)
Chocola Jackson-Lee
Clay (TX)
Clyburn Jefferson
Cole Jenkins
Conyers John
Cooper Johnson (CT)
Costello Johnson (IL)
Cramer Johnson, E. B.
Crenshaw Jones (OH)
Crowley Kanjorski
Cunningham Kaptur
Davis (AL) Keller
Davis (CA) Kelly
Davis (FL) Kennedy (MN)
Davis (IL) Kennedy (RI)
Davis (TN) Kildee
Davis, Jo Ann Kilpatrick
Davis, Tom Kind
DeFazio King (NY)
DeGette Kirk
Delahunt Kleczka
DeLauro Knollenberg
DeLay Kolbe
DeMint Kucinich
Deusch LaHood
Diaz-Balart, L. Lampson
Diaz-Balart, M. Langevin
Dicks Lantos
Dingell Larsen (WA)
Doggett Larson (CT)
Dooley (CA) Latham
Doyle LaTourette
Dreier Leach
Duncan Lee
Dunn Levin
Edwards Lewis (CA)
Ehlers Lewis (GA)
Emanuel Lipinski
Emerson LoBiondo
Engel Lofgren
English Lowey
Eshoo Lucas (KY)
Etheridge Lynch
Evans Maloney
Farr Markey
Fattah Marshall
Ferguson Matheson
Filner Matsui
Foley McCarthy (MO)
Forbes McCarthy (NY)
Ford McCollum
Fossella McCotter
Frank (MA) McCreery
Frelinghuysen McDermott
Frost McGovern
Gallegly McHugh
Gephardt McInnis
Gerlach McIntyre
Gibbons McKeon
Gilchrest McNulty
Gillmor Meehan
Gonzalez Meeks (NY)
Goode Menendez
Goodlatte Mica
Gordon Michaud
Granger Millender-
Graves McDonald
Green (TX) Miller (MI)
Green (WI) Miller (NC)
Grijalva Miller, Gary
Gutierrez Miller, George
Hall Moore
Harman Moran (KS)
Harris Moran (VA)
Hart Murphy
Hastings (FL) Murtha
Hastings (WA) Nadler
Hayes Napolitano
Hayworth Neal (MA)
Herseth Ney

Northup
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascarella
Pastor
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryun (KS)
Sabo
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez

Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson

Watt
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker

Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—64

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Bishop (UT)
Bonilla
Bonner
Burton (IN)
Cantor
Carter
Coble
Collins
Cox
Crane
Cubin
Culberson
Deal (GA)
Doolittle
Everett
Feeney
Flake
Franks (AZ)

Garrett (NJ)
Gingrey
Gutknecht
Hefley
Hensarling
Herger
Hostettler
Hyde
Istook
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Miller (FL)
Musgrave
Myrick
Neugebauer

Norwood
Nunes
Ose
Otter
Paul
Pence
Peterson (PA)
Pombo
Radanovich
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Sherwood
Smith (MI)
Sullivan
Tancredo
Thornberry
Weldon (FL)

NOT VOTING—17

Ballenger
Burr
Cannon
Cummings
Goss
Greenwood

Majette
Meek (FL)
Mollohan
Nethercutt
Payne
Ryan (OH)

Schrock
Tauzin
Toomey
Wexler
Young (AK)

□ 1232

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: "A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, and for other purposes."

A motion to reconsider was laid on the table.

□ 1230

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material, and that I may include tabular material on the same, during the further consideration of H.R. 5006, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 754 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5006.

□ 1232

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. TERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, September 8, 2004, the amendment offered by the gentleman from California (Mr. GEORGE MILLER) had been disposed of and the bill was open for amendment from page 104 line 1 through page 105 line 16.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. OBEY

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act may be used by the Department of Labor to implement or administer any change to regulations regarding overtime compensation (contained in part 541 of title 29, Code of Federal Regulations) in effect on July 14, 2004, except those changes in the Department of Labor's final regulation published in the Federal Register on April 23, 2004 at section 541.600 of such title 29.

Mr. BOEHNER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The point of order is reserved, and the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, we now have 8 million people out of work. There are 3 million people that have been out of work so long that they have lost their unemployment benefits, and the majority party in this Congress has steadfastly refused to allow us to do something about that by providing extended unemployment benefits for those workers.

At the same time, for people who are working and people who are not, we have a resurrection of inflation. Inflation is running at twice the rate this year that it ran last year. That means it cost families more to pay for gas, more to pay for health care, more to pay for college costs, and it will continue to rise.

Working families need every dollar in their take-home pay that they can possibly get, and yet the administration

has chosen this time to institute new regulations which for the first time in 50 years scaled back workers' entitlement to overtime pay for overtime worked.

Mr. Chairman, this amendment attempts to do two things. It is a very simple amendment. It simply precludes the agency from using any funds in this bill to implement those limiting regulations. We make one exception. We allow the expansion of overtime rights made available under the new rule for workers making between \$8,000 and \$23,660 to stand as is. But we effectively block enforcement of the other portions of the rule.

It just seems to me that the Labor Department, the White House, and the Congress should not be complicit in the effort of employers to chisel on workers' overtime pay. If this amendment does not pass, more than 900,000 employees without a college or graduate degree will be exempt from overtime pay because of definitions of professional employees. Thirty thousand nursery school and Head Start teachers will lose their right to overtime pay. Nearly 90,000 computer employees, funeral directors and licensed embalmers will become exempt and lose their right to pay under the Labor Department rule, and there are many other workers as well who will lose their overtime rights.

Mr. Chairman, this is a very simple amendment. Everyone understands it. This House has already voted on a motion to instruct to adopt precisely the same language we are offering today, and the Senate has already adopted the same proposal in the form of the Har-kin amendment.

Despite that fact, the Republican leadership arbitrarily stripped that language out from the conference report last year. This time around we mean business. We mean to see this through. We will not be dissuaded by blackmail threats on the part of the White House that they will veto the bill if this provision which we are offering today is included.

It is very simple. If you are on the side of a worker's right to get overtime pay for overtime worked, you vote for this amendment. If you are not on their side, then you vote against this amendment, or you vote for some other mugwump fig leaf that will serve not to cover workers, but simply to cover the fannies of Members who will be voting this afternoon.

POINT OF ORDER

Mr. BOEHNER. Mr. Chairman, I make a point of order against the amendment. The gentleman's amendment violates House rule XXI, clause 2 and legislates on an appropriation bill.

Mr. Chairman, I have a question for the author of the amendment. The gentleman's amendment restricts the Secretary of Labor from implementing certain overtime protections in current regulations. As of August 23, Mr. Chairman, the old regulations are no longer on the books.

So my question for the gentleman from Wisconsin is: Would your amendment, as a matter of law, require the Secretary of Labor to return to the regulations as in effect on July 14, 2004?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from Ohio cannot engage in a colloquy, but the Chair may hear argument and rejoinder from each Member individually. The gentleman from Ohio may not yield directly for an answer, as in a colloquy.

PARLIAMENTARY INQUIRY

Mr. BOEHNER. Mr. Chairman, parliamentary inquiry. Are you suggesting to me that I cannot ask the author of the amendment to explain the intent of his amendment?

The CHAIRMAN pro tempore. The Chair will hear from the gentleman from Wisconsin separately. When the gentleman from Ohio has concluded his debate, the Chair will hear from the gentleman from Wisconsin separately.

Mr. BOEHNER. Mr. Chairman, the gentleman's amendment, as a matter of law, would restrict the Secretary from proceeding on the new regulations and, in effect, require the Secretary to enforce the old regulations that had not been updated for 50 years. In fact, this is legislating on an appropriation bill, and I insist on my point of order.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin desire to be heard on this point of order?

Mr. OBEY. Mr. Chairman, I do.

Mr. Chairman, this amendment does what it says. This amendment is a straightforward limitation which prohibits the Department of Labor from using funds in the act to implement any change to overtime regulations that were in effect on July 14, 2004, with one exception. It imposes no additional duties on the Secretary of Labor, nor does it change existing law since the language merely says that funds may not be used to change overtime regulations in place on July 14, 2004.

Moreover, the amendment allows, but does not require, the Department to implement or administer section 541.6 of the overtime regulation published in the Federal Register on April 23, 2004.

The Department has a duty to know its own regulations; and, therefore, the amendment imposes no new duties. The limitation applies only to the appropriation under consideration in this bill and is operable only for the fiscal year for which the appropriations apply. I, therefore, ask the Chair not to sustain the point of order.

The CHAIRMAN pro tempore. Does the gentleman from Ohio wish to be heard further?

Mr. BOEHNER. I do, Mr. Chairman.

Based on the gentleman's explanation of his amendment, Mr. Chairman, prohibiting the Secretary from enforcing the new regulations, we have, in effect, if the gentleman's amendment were to pass, no regulations pro-

tecting the overtime rights of American workers. No regulations. That is the law that is being created here.

I am trying to understand from the gentleman his true intent in his amendment and if, in fact, he is not trying to have the Secretary enforce the old regulations.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin desire to be heard again?

Mr. OBEY. Mr. Chairman, I stand on my statement and ask that the Chair not sustain the point of order.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on this point of order? If not, the Chair is prepared to rule.

The gentleman from Ohio (Mr. BOEHNER) makes a point of order that the amendment offered by the gentleman from Wisconsin (Mr. OBEY) is subject to a point of order under clause 2 of rule XXI. The gentleman from Ohio argues that the amendment legislates on an appropriation bill by requiring the Department of Labor to make certain changes in overtime regulation. However, the text of the amendment seeks only to defund the implementation of changes to certain overtime regulations in effect on a particular day with certain exceptions. The amendment neither addresses what the regulatory situation might be after its adoption, nor directs the Department to act in any particular fashion.

Under the precedent carried at chapter 28, section 64.29 of Deschler's Precedents, it is in order in a general appropriation bill to deny the use of funds therein for agency proceedings relating to changes in regulations. In the opinion of the Chair, that is analogous to what this amendment does. The Chair overrules the point of order.

Does any other Member desire to be heard on the amendment?

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment by my friend, the gentleman from Wisconsin (Mr. OBEY). Seventy-six years ago, the Congress passed and the President signed a law which says that if you work more than 40 hours a week, that you get time and a half for that additional time. With some carefully reasoned and well-thought-out exceptions since then, it has been the law for every American worker under every circumstance.

We have before us today the question of whether we should continue that very important principle. We should, and Members on both sides should vote in favor of the Obey amendment.

□ 1245

As the gentleman from Wisconsin (Mr. OBEY) said a few minutes ago, there are officially 8 million Americans out of work as we meet this afternoon. Three million of those Americans have

been out of work so long they have exhausted their unemployment benefits. The price of health care has increased by 50 percent in the last 3½ years. This administration will be the first administration since that of Herbert Hoover that has lost more jobs than it has created.

Mr. Chairman, 2.45 million workers in manufacturing plants around the country have seen their jobs go overseas or south of the border, probably lost forever. The price of heating your home, driving your car, and educating your children rises, and the squeeze on the middle class intensifies.

So what issue does this Congress and this administration confront? The issue we confront is taking income away from 6 million people. These are not 6 million people who are at the high end of the American labor force.

In the debate on these regulations, we have heard this is about highly skilled, highly compensated people. Not the case. The Congressional Research Service, a nonpartisan objective arm of this institution, did an analysis of the people who will be affected by these overtime regulations. Nearly 70 percent of the workers who will be affected by these regulations make less than \$1,000 a week. Nearly 70 percent of the people affected by these rules are making less than \$50,000 a year. This is the middle class we are talking about. It is the working middle class. It is nursery school teachers, short-order cooks, people who work in the shoe department of a retail store. Their biggest problem, with all due respect, is not that they are getting too much income; it is that they are not getting enough, and they are not getting enough to pay the bills that their family needs to pay.

These overtime rules will adversely affect 6 million American workers. If there are going to be changes to the overtime rules, they should be debated here. They should be voted on by the people's representatives, not by the appointed people who work in the Department of Labor.

The Obey amendment will suspend these rules. It will protect the overtime rights of more than 6 million American workers. It will leave in place the existing overtime rules as it affects those workers, and it is the right thing to do.

Mr. Chairman, with all due respect to the authors of this overtime policy change, overtime is not a gift from America's employers; overtime is the right of America's workers. In order to protect that right and to do what is right, I would urge my friends, both Republican and Democrat, to vote "yes" on the Obey amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with its proposed overtime rules, the administration continues its assault on working Americans. Do not be fooled when some of my colleagues on the other side of the

aisle say this will give overtime to more workers; they are using fuzzy math. This will give an inflation adjustment to low-income workers which is much needed and much deserved.

But a July 2004 study by the Economic Policy Institute shows that new regulations will cut the pay and lengthen the hours for at least 6 million workers making as little as \$23,000 a year. Basically, what the regulations do is permit employers to reclassify people making between \$23,000 and \$100,000 so they are exempt from overtime pay.

One of the reasons for enacting the Fair Labor Standards Act back in 1938 was to give incentive to employers to create more jobs. This ensures that employers will not overwork their employees by making them do the work of two or more people.

Since 2001, we all know that millions of jobs have been lost, including 285,000 in New York. These final regulations will enable employers to cut overtime for employees who presently do get overtime. This means longer hours for the same pay. It also means that employers will have no incentive to hire new people even though we have an unemployed workforce of over 600,000 in New York alone.

It boggles the mind that this is what the administration focuses on since it has the worst job-creation record since the time of the Great Depression. And after the final regulations were announced in April 2004, we held only one single hearing in the Committee on Education and the Workforce.

In May 2004, I voted for amendments on the House floor which would have stalled the Department of Labor's regulations, but unfortunately none of the amendments passed. If Congress had acted, we could have prevented the new regulations from going into effect.

The new regs would have included up to half a million of our Nation's heroic first responders such as police, firefighters, EMTs, and nurses who are directly engaged in homeland security efforts. Losing overtime is not much of an incentive to people in these fields, and we desperately need to keep them safe and healthy.

Another bad effect the regulations will have is to cause confusion in the legal system. Right now, although the system is not perfect, there are plenty of laws on the books developed over many years that guide overtime cases. The new regs will simply result in new fighting about how to implement these rules and will waste time.

I oppose taking overtime pay away from millions of workers and urge my colleagues to support the Obey amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Obey amendment, joined by the gentleman from California (Mr. GEORGE MILLER) and my colleagues. I want to remind my friends in the House of the

obligation and responsibility that they have dealing with the crucial responsibilities of serving the American people. Let me just simply remind Members of people who make this country, and it is working men and women. Those working men and women deserve our respect and as well our duty to ensure that their workplace and their compensation meets the work that they do every single day.

I had the pleasure just a month ago to take my son to his first year of college, spending time not as a Member of Congress but as a parent listening and discussing with other parents both the excitement and joy of taking a young person to college, but also the struggle of bringing a young person to college. Many of those Americans who I stood alongside as a beaming parent work two and three jobs, and overtime was very much a part not of the excess of their income but of the necessity of their income.

I wonder if my colleagues think about what overtime really is. It is helping families all over America make ends meet. Do they realize that the very same people that protect us here in the United States Congress, our U.S. Capitol Police, the people who protect the visitors who come and protect those who come to this place to exercise their rights as Americans, they receive overtime.

With the administrative rules that are being passed by the Department of Labor, we will eliminate the overtime of the very people who protect us, first responders, firefighters and police officers, nurses, people who simply want an opportunity.

This amendment prohibits the Department of Labor from implementing new rules on overtime pay. Of course they have tried to hang out a carrot for us and suggest that they are protecting the low-income workers.

Mr. Chairman, I stand here because I do not want to have divisive politics. I do not want to divide workers and to suggest who is low income and who needs overtime and who does not. This is the middle-class squeeze. Losing 3 million jobs, not yet reaching the place where we have replenished those jobs, Americans required to work two and three jobs, overtime is a necessity; it is not a luxury.

I cannot imagine my Republican friends going home to their elections and to suggest we would stand today against American workers. Overtime is survival for those who every day have to make ends meet. I am looking at Americans who are now trying to refinance homes, not only to send children to school for the first time, but to buy cars, cars to take them to work to be sure that they are able to get the basic necessities.

Just a few hours ago, I stood with my colleagues about the amending of the Tax Code to allow sales tax to be deducted for States that do not have income tax. Why, because in States like Texas and Tennessee, sales tax has become onerous and burdensome for

hard-working Americans who have no outlet and basically are paying very high sales tax because there is no income tax, and yet are not able to deduct it.

We should be finding ways to put income back into Americans' pockets the right way, not with 1 percent tax cuts that give to the wealthiest of Americans, but allowing overtime pay, allowing middle-class Americans not to be squeezed in a very ugly way.

I hope that this amendment is passed enthusiastically. In fact, I would be delighted if it was a bipartisan vote. These regulations are ill-considered and misdirected. They hurt the working person in America, they disrespect work, and they do not acknowledge the fact that all people want in America is an opportunity to pursue their happiness and an enhanced, positive way of life. I ask my colleagues to support this amendment unanimously.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope all of my colleagues heard the short debate over the intent of this regulation. The fact of the matter is if the Obey amendment passes, no American worker who makes over \$23,600 will be entitled to overtime pay. This will be no enforcement of the regulations that the gentleman seeks to try to protect.

Under the Obey amendment, the Secretary of Labor is prohibited from protecting workers' overtime as required by her current regulations, and she will be forced to start the regulatory process over in order to develop new regulations to ensure those protections.

Under the Obey amendment, by the gentleman's own admission, the Department would have no test to administer the rules except for the salary level at \$23,600. This means the Department would be prevented from looking at workers' duties to determine whether they were eligible for overtime pay. His amendment would prevent the Department from enforcing the rule with respect to any worker, even blue collar workers, who earn less than \$23,600 a year. That means firefighters, teachers and nurses who make over \$23,600 would have no ability to have the Department protect their overtime pay. And the enforcement for anyone earning more than \$23,600 would have to be done in private lawsuits and be the biggest gift to trial lawyers that the House has considered in some time.

So the fact is that in an attempt to legislate on an appropriation bill, the gentleman's amendment would in fact eliminate the Department's ability to enforce any rules or regulations on overtime pay for anyone who makes over \$23,600 per year. I do not think that the House wants to be on record in support of that.

Now, on the bigger issue under consideration here, we need to understand that for some 56 years we have had the wage-and-hour law and for the last 50 years there have been no changes to

the job classifications. So American workers have no idea under the old regulations whether they were entitled to overtime pay or not, employers had a very difficult time determining whether workers were entitled to overtime pay or not, and the most serious part of the old regulations was that the Department of Labor could not determine who was entitled to overtime pay and who was not.

In 1977, the Carter administration recognized this problem and attempted to bring clarity to the wage-and-hour laws with regard to overtime pay. What happened, Congress stepped in their way. So since 1977 the picture has only gotten muddier. With job classifications and job titles changing, especially with what has happened over the last 20 years, it is time for the Department to do their work, and the Department did their work. They put out a regulation, an initial draft of a regulation, they took comments from the public, and they got 82,000 comments.

They came back some 18 months later and made serious revisions to their draft policy and put it into effect on August 23 of this year.

□ 1300

It not only guarantees those who make under \$23,600 a year they have a right to overtime pay regardless of their job classification; 1.3 million workers will be covered under that part of the section. The gentleman does not touch that. But it also guarantees overtime rights for teachers, first responders, fire, police, and many other job classifications to bring real clarity to the law so both employers and employees know what their rights are under the law today.

But, unfortunately, that is not what this amendment is really about today. The gentleman's amendment, if you read it and if you look at it, would eliminate all the overtime enforcement protections from the Department of Labor for anyone who makes over \$23,600 a year. I do not think the House wants to go on record in supporting the elimination of those protections from the Department of Labor, so I would ask my colleagues, as they consider this vote today, consider that these overtime protections that are in the law are there to help American workers. If you are on the side of American workers, and especially those who are entitled to overtime pay, we ought to vote against the Obey amendment and protect those rights and the enforcement of those rights by the Department of Labor.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentlewoman for yielding. I never fully appreciated until this moment the immense talent of the gentleman from Ohio, but listening to what he said, I must take my hat off to him because he certainly

qualifies for the Nobel Prize for fiction. That is an amazing accomplishment in this House, given the competition for that award.

I simply want to say that if you take a look at the Congressional Research Service analysis of this amendment, they make quite clear, quote, "A review of applicable principles of administrative procedure and pertinent judicial precedents indicates that the Department of Labor would have the authority to immediately reimplement overtime compensation regulations in effect prior to August 23, 2004, upon passage of the proposed Obey-Miller rider."

That means that they can on their own volition reinstitute those rules within 1 day. To suggest that they would not do so suggests that they are patently irresponsible.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Obey-Miller overtime amendment, and I support it because it blocks the administration from gutting the income of working men and women, some earning as little as \$23,000 a year.

My Republican colleagues continue to proclaim, and we have heard it already this morning, that they are friends to working America. However, they and this administration are, I believe, the working Americans' greatest enemy. They say one thing. They do another. They are changing overtime policies to cheat millions of workers out of overtime pay. What they ought to be doing is investing in our Nation's infrastructure, creating jobs that pay a livable wage, strengthening job opportunities here at home, stopping the incentives for outsourcing the high-paid jobs in the United States of America. But, no, they continue their attacks on American workers.

That is why we are considering a bill today that has failed to address the \$265 million backlog of the Job Corps. Their facility renovations are essential to placing disadvantaged young adults into jobs.

That is why the bill before us today cuts the employment service program which is the foundation for the Nation's one-stop employment and training service delivery system.

That is why there is no increase for adult training programs or the title V community service employment program to aid low-income older workers.

One hundred million dollars is being cut for the H-1B technical skills training program, which specifically was designed to reduce the Nation's reliance on foreign workers.

Millions of dollars have been cut for activities to promote international labor standards, enhanced worker rights and combat exploitive child labor.

This President, the administration that is asking us to cut unemployment and overtime coverage for American workers, this President has lost 2.7 million manufacturing jobs since he took office. It is one thing to go to

Pennsylvania and Ohio and talk about job training, but President Bush's budget, this initiative we are talking about today and this bill in particular does not support his talk.

Americans need quality jobs. They need effective job training in order for us to remain competitive in the global economy. The Bush-Cheney antiworker pattern continues with policies such as the Family Flexibility Act, which would further strip worker overtime rights. Let us not kid ourselves. This policy proposal is not about flextime for workers. It is about more flexibility for employers.

Bush also signed legislation overturning workplace safety rules to prevent ergonomic standards. The President has advocated budget cuts for job safety agencies such as OSHA and NIOSH. President Bush even went further, suspending 23 important job safety regulations. The list goes on and on. These are the people that are asking us to vote today to cut overtime pay for most of the neediest workers in this country.

Mr. Chairman, it is clear this administration values corporate profit over workers' safety. It is time that we support our workers. Vote "yes" for the Obey-Miller substitute.

Mr. BISHOP of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this past weekend we joined with our families at barbecues and picnics to celebrate Labor Day, a day where we honor the contributions of the American workforce. There was a dark cloud over this Labor Day, however, because the administration decided to celebrate workers' accomplishments by rewarding hard-working Americans with one of the largest middle-class pay cuts in history. The decision to undermine overtime pay and enact what could turn out to be the largest middle-class pay cut in history is just the latest in a relentless effort under way in Washington to disregard the economic security of millions of middle-class families.

The regulations that went into effect on August 23 suggest that there are those in Washington who believe that overtime pay is nothing more than a luxury for American workers. The truth is plain and simple. Overtime pay is not a luxury for millions of families. It is a necessity. The changes to overtime pay could seriously reduce the paychecks of over 6 million workers making between \$23,600 and \$100,000 annually.

For many people, overtime is the difference that pays the rent and buys the groceries. I stand in this Chamber today as a product of overtime. My father worked 80 to 90 hours a week, week in and week out, month in and month out, year in and year out, because he had five children that he wanted to send off to have an opportunity that he never had, the opportunity to go to private college. He and my mother accomplished that, and

they accomplished that because of overtime. There are countless families who rely on this kind of additional compensation to meet the needs of their own families.

Some people may say that we should be comforted by the fact that these regulations will not impact workers protected by a collective bargaining agreement. I say that this reasoning is anything but comforting, and workers covered by a union contract will ultimately suffer a reduction in pay. Union contracts will need to be renegotiated, and the regulation changes will make it increasingly more difficult to negotiate fair contracts in the future as workers will now be forced to bargain for overtime protections that were once guaranteed by law.

Previously the law was clear: Those eligible for overtime got time and a half for every hour you worked over 40 hours in a single week. Now that rule has changed, and it will lower the bar for everyone. The amendment we offer today will preserve the protections for the new low-income workers who become eligible for overtime under the new rule. Our amendment will rescind the rule that takes away overtime from 6 million workers so that workers who were eligible before August 23 will once again be eligible.

Let us stop this assault on the economic well-being of middle-class families. I urge my colleagues to vote yes on the Obey-Miller amendment.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

(Mr. NORWOOD asked and was given permission to revise and extend his remarks.)

Mr. NORWOOD. Mr. Chairman, I have got a great statement, but I do not have a lot of time, so I will submit it for the RECORD and just make a few observations.

First and foremost, I would ask my colleagues in the nicest possible way, we really should reject this amendment, and we should do so, frankly, in a bipartisan way. There are a number of things that are going on here, but primarily over the last few years, particularly with a lot of work by our committee, the Committee on Education and the Workforce, and the Secretary of Labor, we have tried very hard to see if we could not bring the wage and hour laws into the 21st century and especially the overtime rules which are not clear, are not simple. Generally they are rules that fatten the wallets, frankly, of our trial lawyers because so many problems have to be solved by judges and courts. That is not what labor law really ought to be about, and we worked hard on this language that is in the gentleman from Ohio's bill, which is good language, and we need to leave it alone.

I just would make four quick points about it. Not nearly enough is said in this body by people who would oppose any changes in the labor laws that 1.3 million new people will be eligible for

overtime. That may not be important to anybody in here, but I guarantee you that is pretty important to the 1.3 million people out there who indeed will for the first time ever have this opportunity like so many other people in the workforce.

The second point I would make on this is that people you say that would through this language lose their overtime frankly do not get overtime now, and the reason they do not, they are eligible, but they do not get it because their employers frankly do not let them work overtime because of the time-and-a-half rule. The bottom line here, Mr. Chairman, for those people is not, frankly, whether they can get overtime or not, it is how much money they can earn. And so many more of them who, yes, maybe they cannot get overtime now, but they can make more money. The bottom line is greater for them because so many of them are working on commissions, so many of them are in a position that if they need more and want to work 48 hours, they can make a lot more in these particular kinds of jobs by being allowed to work 48 hours rather than 40.

Thirdly, our outdated laws are confusing. There is no question to anybody, and there are a lot of lawyers in here who absolutely understand that better than I do, but as many cases that have to go to court, clearly they are outdated, they are dying of old age, they are not ready for the 21st century, and we simply need to do more than we are doing now, but at least this is a step in the right direction.

Lastly, I would say that over the years, Mr. Chairman, the loudest people who have been against making any of these changes, interestingly enough to me, I have observed, are people that this really does not affect directly. The labor bosses in this Nation represent 10 percent of the workforce, but there are a lot of people in America, in fact 90 percent of working Americans, that are not in labor unions, do not wish to be in labor unions, and wish to have this law changed. Yet the labor unions, that is who is opposing this, that and the trial lawyers, and the labor unions simply will not explain, I guess, to the American people this really does not so much affect their members, it affects everybody else that is working out there. And I am pretty concerned about that. Labor law should not be written by those people who represent 10 percent of the workforce, and that is what they try to do.

I do not even know for sure if they would be against these changes. Since so many new people get overtime, so many more people will actually make more money. I think it is probably all about, well, you can't possibly have a labor law that we didn't write, and since we didn't write this one, nobody else can have a good idea, let's be against it. That is probably in as simple a form as I can put it what is going on here.

I encourage my colleagues to vote down this amendment, which I feel

pretty comfortable that they will. We need to move forward and allow the workforce of this country to be able to benefit from the changes that we are going to make. I know we are in an election year, and I know we have got to do all that, but at the end of the day, this needs to go forward, and you can use your election year politics and let us get this bill out of here and pass it.

Mr. Chairman, I cannot recall how many times I have been forced to rise in opposition to this amendment, or other amendment like it that will prevent the Secretary of Labor from implementing and administering common-sense regulations that will provide additional overtime protection to millions of this country's lower income workers. After all this time, I have just simply lost count.

But one thing is for certain, Mr. Chairman, I rise today with the same emphatic opposition to this politically motivated, short-sighted and dangerous amendment as the day it first appeared before the House a little less than 1 year ago this day.

Mr. Chairman, the final overtime regulation that this shameful amendment seeks to overturn will guarantee overtime security for 6.7 million working Americans, including 1.3 million new workers. For the first time, any worker making less than \$23,660 per year is entitled to overtime.

The final rule also strengthens overtime protections for police officers, fire fighters, paramedics, EMTs, first responders, and licensed practical nurses. And importantly, the final rule makes it perfectly clear that no blue-collar or union worker will lose his overtime protection.

These, Mr. Chairman, are the facts.

But sadly, I fear that by pursuing this gimmicky legislative roadblock to an important reform, my colleagues on the other side of the aisle are not really interested in the facts. Instead, as November rapidly approaches and the campaign season looms, I once again smell the foul odor of trial lawyer cronies and big labor bosses who seek another dime in the pocket and another union member on the rolls.

Mr. Chairman, we all know that there are simply no legitimate arguments that substantially support the goals of this amendment. In fact, when you peel through the onion of trumped up charges and "sky-is-falling" rhetoric, all you are left with are unsubstantiated talking points written by big labor bosses and their trial lawyer buddies that do not benefit workers.

Mr. Chairman, I support these regulations, as I have for the past 2 years, and believe that Secretary Elaine Chao should be commended for responding to the needs of the 21st century worker. After all, how can a largely unaltered regulatory act written in post-Depression America possibly represent the best interests of a rapidly evolving and technologically advanced workforce?

Mr. Chairman, I want to tell you, my fellow colleagues and the American people that it simply cannot.

I said it last year and I will say it once again: This amendment will only worsen the confusion of current wage and hour laws by attempting to "freeze" in place the old complicated and outdated system.

Worse still, Mr. Chairman, it will reverse the progress we have already made. Since August

23 alone, when the regulations finally went into effect, American businesses have begun to implement the final rules directed by the Secretary by expanding overtime security to thousands of new workers. Now is not the time to slow this progress down. Instead, Mr. Chairman, it is time to move on and allow the administration's final rule to be fully implemented for the benefit of the American worker.

I urge all of my colleagues, no matter what side of the aisle you sit on, to say "yes" to the American worker and "no" to the big labor bosses and trial lawyers. I urge you to vote against the Obey amendment.

□ 1315

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the American public would find it highly unbelievable that if, in fact, the rules proposed by the administration did all the things that are purported, that the advocates for working people and the advocates for families would oppose it. In fact, it is a rule that does not do the things that are professed here; and that is why advocates for families, for working people oppose them in such a loud and clear way.

The first rule ought to be do no harm when we are talking about amending rules. And the amendment that the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. GEORGE MILLER) have here sticks to that creed. The administration's rules, on the other hand, are so ambiguous that the Department of Labor and potentially aggrieved workers will at best be involved in litigation from now to the end of time. At worst they are going to be interpreted to prevent possibly 6 million people from becoming eligible for overtime that are currently eligible under the existing rules.

The administration has had every opportunity to work into a rule that would be agreeable and understandable by everyone. The proper way to do that, of course, would have been to work with both Democrats and Republicans in the House, to go through the committee hearing process, to have a debate and deliberation, and to vote and to clarify those rules. That has not been the effort that has been taken here. Continually, the administration throws out their rules, gets feedback, and then tries to throw them out again, and this time, despite the numerous people that have objected to these rules, saying that the interpretations are inappropriate, are trying to plow this thing through. We can see that not only Democrats are objecting but a number of Republicans are; otherwise we would not have had to postpone last night's session until today so that some arms could be twisted on this measure.

What are Americans to believe of this administration other than it desires to deprive workers of overtime and allow employers to demand and get longer hours without more pay for workers and to work employees more instead of

hiring additional workers? This, as our economy is being decimated by economic policies for rich millionaires, that are doing little, if anything, for the middle class and people that aspire to enter the middle class; 1.8 million jobs fewer today than we had in 2000; wages from last August to this August rising only 1.9 percent while the cost of living is up over 3.2 percent.

It is a squeeze. Essentially, wages are flat but tuition bills continue to rise, and our colleagues on the Republican side and the administration will not increase Pell grants, will not increase work study funds, are cutting Perkins loans funds so families are getting no help there. Health care premiums are rising. Employers are insisting that more and more employees pay a higher percentage of the premiums, more co-pays, and more deductibles. Gas prices are up. Food and milk and other prices are up.

All of this, while in my State, Mr. Chairman, in Massachusetts 86 percent of the taxpayers in 2006 will get less than \$100 from the 2003 Bush tax cuts. So they are not getting any help from the tax cuts, and they are getting the squeeze from rising prices, and wages are stagnant. And now the administration proposes a plan, which, at best, is ambiguous and leaves people in confusion and in a state of litigation and, at worst, deprives almost 6 million people of overtime. The 40-hour rule is so that families can spend some time together and, when they cannot, that at least they get compensated so that they can pay some of the families' obligations and bills.

Some low-income workers will actually become eligible for overtime pay under the new rule, and that is a good thing and that is why the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California's (Mr. GEORGE MILLER) amendment does not affect that. It allows that to go into place. And we want those people to become eligible, and we would do that.

The other factor is that for years it has been pretty easy and pretty clear to determine who was eligible for overtime pay and who was not. If one was eligible, they got paid time and a half for every hour they worked more than 40 hours a week. People should know that workers who stand to lose their overtime pay because of these new rules include foremen, assistant managers, registered nurses, workers who perform relatively small amounts of supervisory or administrative work, salespeople who perform some amount of work outside the office, chefs, nursery school teachers, workers in the financial services industry, insurance claims adjusters, journalists, funeral directors and embalmers, law enforcement officers, athletic trainers, and others from all different parts of the workforce.

I have listened to the gentleman from Ohio. I wish he were still in the room here. And the fact is that what he says about there being no law going

into effect, I think, has been soundly defeated by the comments from the Congressional Research Service and the gentleman from Wisconsin (Mr. OBEY). The fact of the matter is that if they had the facts, they would argue the facts, and they do not. If they had the law, they would argue the law, and they do not. So obfuscation is the rule of the day, and that attempt has now been put to rest. The people that the new rule would help, this amendment allows it to help. The people that it would harm and the confusion there is, is set aside by this amendment. So the only true course and the fair course to take at this point in time is to bring us all back to the House to set a good set of rules that protect the American worker and try to help out in this economy when things are so difficult and people are experiencing a squeeze.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Obey-Miller amendment. For 70 years, overtime pay has meant time and a half in this country. It has allowed the employee some flexibility to make some extra cash to put a roof over their family's heads, to buy groceries, to pay their medical bills. And without overtime, countless Americans, including some police officers, firefighters, nurses, EMTs, would be forced to take a second job to make up for the lost earnings, meaning more time away from their families and higher child care costs.

Absent this amendment, 6 million workers, some earning as little as \$23,660, will lose their right to overtime pay. I might just add at this moment this is pretty much in keeping with what this administration is about when they have denied the child tax credit to those families that make from \$10,500 to \$26,500. So they are in keeping with trying to continually put people who are making these wages in a very difficult economic position. The rule changes that we are talking about here that went into effect in August are designed to give companies the authority to withhold rightfully earned pay by their employees by weakening the 1938 Fair Standards Labor Act, protections that safeguard our workers' rights today and make mandatory overtime a less attractive option for the employer.

This paves the way for mandatory overtime, this at a time when we have more than 8 million Americans out of work, when income is declining, poverty is increasing, and 45 million Americans are without health insurance. This is an administration who says, with 8 million people out of work that they will not extend unemployment benefits. Historically, on a bipartisan basis when we have experienced significant unemployment in the United States, we have extended those benefits. But in talking some to folks at the Department of Labor, they have said that the reason why they will not extend those benefits is because if we do

it, these workers will not go out and look for a job. It gives us some idea of what kind of an opinion and view that this administration has for those who work for a living. Would that they would walk in the shoes of working men and women in this great country of ours.

To those who would argue that these rules expand overtime protections, I point them to a report by three of the highest-ranking career Department of Labor officials in the Reagan, Bush, and Clinton administrations, which found that all but one of these changes to the overtime rules take away workers' overtime rights.

Mr. Chairman, this is a matter of values, of our country's longstanding contract with working people that says hard work deserves to be rewarded. That is bedrock, that is what this Nation is built on, and yet this is an administration that will reward wealth but not work. That is what the Bush economy is all about. And these hard workers need to be rewarded especially when that work is above and beyond the call of duty after normal working hours.

That contract must be honored, and I urge my colleagues to support the Obey-Miller amendment.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for over half a century, the rules governing overtime pay eligibility have been pretty clear, and eligible employees are paid time and a half for every hour of work more than 40 hours in a single week. This, in fact, is a landmark in modern economic history.

I ask my colleagues to support the Obey amendment to stop the rollback of these rules, to stop these rules that would hurt American workers and their families. Make no mistake about it, this anti-overtime rule is a major step backward in the fight to reward work. I consider it an attack on the middle class that will lead to greater economic inequality.

Families all across America in all sorts of job categories depend on overtime pay to make ends meet. The families that will lose overtime protection will find that they have to work longer hours for significantly less money. Overtime pay accounts for approximately a quarter of the income, more than \$8,000 a year for families who earned overtime in 2000. As the pool of workers who are exempt from overtime is expanded, those workers who are not directly affected by the regulation will lose income as their opportunity to work overtime is diminished. This is consistent with what the majority has been doing in so many other areas, pushing compensatory time instead of pay, refusing to implement a living wage, and failing to extend unemployment benefits. They will say they are being compassionate, that, by their way of thinking, paying the workers less will make it easier for the employers to hire more workers and therefore more people will be paid.

This is bogus economics. This was debunked a century ago when it was shown that Henry Ford, by paying his workers more, he actually raised the economic activity. Claiming that lowering wages will somehow help working families ignores a century of economic understanding. It is a shame that at the same time the majority leadership is proposing to eliminate overtime pay for millions of workers, they are enacting huge tax breaks for the wealthiest 1% of Americans. Both proposals hurt hard-working middle class families.

Let me tell my colleagues, if we take away this overtime pay, these families will again be given the short shrift.

I urge my colleagues to support the Obey amendment.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I found it very interesting that one of my colleagues earlier from the Republican side said this is about election-year politics and that is why we are doing it. Okay. Let us talk about election-year politics. In an election year, the American people get to evaluate what the current administration, the Bush administration, has been doing and ask the fundamental question: Are you better off today than you were 4 years ago? For millions of Americans, the answer is clearly no.

Under the Bush administration's leadership, our country has lost 1.7 million jobs. Wages have not kept pace with inflation. The new jobs that are being created, and there are only a few of those, do not pay as much as the jobs that are being lost to outsourcing, and the number of jobs being created does not even keep pace with the number of people who are entering the workforce.

The Census Bureau reported that the median household income has dropped over \$1,500 in real terms since President Bush took office, while the number of persons living in poverty and without health insurance increased for the third straight year to 45 million people. So, yes, this is an election year, and certainly this is a time to talk about the economy in terms of the lives of the American citizens.

This administration, to add insult to injury, now brings before us a proposal which would cut 6 million people from earning overtime. I think that is offensive. They will say that it will add more people. That is fine, and Democrats are happy to support any addition to the people who are eligible to earn overtime, but the question before us today, the question that is at the heart of the Obey-Miller amendment, is whether or not we ought to keep in place language from this administration that would cut 6 million people off the overtime list, keep them from earning critical overtime.

□ 1330

Let us see who we are talking about in this election year. Workers who are likely to see their pay cut by virtue of not being able to earn overtime include

2.3 million team leaders; almost 2 million low-level supervisors; hundreds of thousands of loan officers and other financial service employees; more than 1 million employees who lack college or graduate degrees or who may now be considered artistic professionals; 90,000 computer employees, film directors and embalmers; and more than 30,000 nursery school and Head Start teachers across the country.

In other words, this administration and my Republican colleagues through this measure to cut overtime are basically striking at the heart of the American middle class, and that is simply not right.

We are saying with the Obey-Miller amendment that, yes, we want to add people, and that part of your bill is fine, but, no, we do not want to take people off the overtime rolls; we want them still to be able to earn overtime and still be part of the middle class.

In fact, a quarter of the income earned by people who earned overtime last year was from that very overtime. In other words, it is overtime that is keeping a lot of Americans in the middle class. So when you cut overtime, you are cutting people out of the middle class; you are cutting people out of the American dream. We can and should do better. I urge support for the Obey-Miller amendment to restore overtime eligibility to 6 million hard-working Americans in the American middle class.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to join my colleagues today who have expressed outrage at the fact that these overtime regulations have been changed such that workers in this country who work overtime are not compensated for that time that they are working.

Millions of American workers count on this overtime pay as part of their basic income. They do not simply make it in this country based upon the 40 hour week and the money that they make then. They make ends meet because they are able to add the time and a half that comes from them having to work overtime.

Now, let us take this in this context. I often hear friends tell me, it could not be. No one would do that, not anybody that wants to grow this economy.

Well, I have to say to them, in fact, it is true. The Republican majority is taking away overtime pay from working Americans while they are giving the richest of Americans huge, huge tax breaks; tax breaks on capital gains, on estate taxes and dividend taxes. Well, how could this be? The idea is maybe if we give people with \$1 million or more of income a year, we are giving them \$100,000 in tax cuts, that will grow our economy.

What I find so interesting is when Republicans talk about tax cuts, they never seem to mention that the sales taxes are going up, they never seem to mention that the property taxes are

going up, they never seem to talk about cutting taxes on income for those on unemployment insurance.

Yes, Mr. Chairman, unemployment insurance is taxed, but you never hear about Republicans cutting those taxes, do you?

Mr. Chairman, I have found this a very interesting few years that I have been in the Congress. I have seen proposals to make Medicaid a block grant, so that entitlements are written at the State level, not the national level, so that people's health care will be determined on where they live in this country, not based upon whether they are in need.

I have seen all kinds of proposals on labor law, just as there is in this case, where workers are being punished for joining unions. I have seen where there are bills like the TEAM Act, which essentially decides what the manager is doing when they choose who they are going to negotiate with. That is their idea of TEAM Act: workers will be without a voice.

Then I see other bills, like OSHA reform, another "sounds good" reform, except you find out that really it is a voluntary program. No one will even know whether an employer will comply with it or not; and, hence, we have something that takes away from the protection and safety of workers on the job.

And in just this last budget, Mr. Chairman, we saw the President of the United States cut, cut the money for inspection of child labor. Get that. This Republican budget cut the inspection for companies around the world that may be using children in the course of their labor.

So it is interesting, because many people think we have left those days well behind us when there was child labor. Maybe we left those days long behind us where workers did not have a pension. Maybe we left those days behind us where workers could not have a 40-hour workweek and work overtime and be compensated time and a half. Maybe they think all of these things are back in the thirties or forties or maybe fifties.

What I am here to say is my experience being in a Republican-led Congress the last 10 years that I have been in the House of Representatives has led me to believe that the same battles for economic justice that people were fighting for over a generation ago are the same battles that we are having to fight all over again in the 2004.

This is what we are dealing with, my friends; and this, my friends, is the reason why we need to make a choice in this next campaign as to who we want leading our country. This is a perfect example of the fact that elections have consequences. If you vote for Republicans, you are voting to eliminate time and a half for workers who work more than 40 hours a week. If you vote for Republicans, you are voting to eliminate the entitlement for Medicaid. If you vote for Republicans, you

are voting to roll back in this country all of the progressive legislation that has been put forth that protects our workers in this country.

Let us support the Obey-Miller substitute.

Mr. McKEON. Mr. Chairman, I move to strike the requisite number of words.

(Mr. McKEON asked and was given permission to revise and extend his remarks.)

Mr. McKEON. Mr. Chairman, I rise today in strong opposition to the Obey amendment because it will preclude anyone making over \$20,000 a year from overtime.

I rise today in strong support for the Department of Labor's new 541 "white collar" overtime regulations. These updated rules, which have not been touched in over 50 years, will allow millions of American workers, who previously did not receive overtime, to obtain the overtime wages they deserve.

Under the former outdated rules, an individual earning as little as \$8,060 a year could be classified as a "white collar" employee, therefore being exempt from overtime pay.

The final rule guarantees that any worker making less than \$23,660 per year is entitled to overtime, which should provide an additional 1.3 million more Americans with overtime pay and strengthen existing protections for another 5.4 million salaried workers.

The final rule explicitly grants overtime protections for police officers, fire fighters, paramedics, EMTs, first responders and licensed practical nurses. These people put their lives on the line every day and should be properly compensated for making our lives and our country a safer and better place.

But the final rule does not stop there. It also clarifies that a veteran's status will not affect overtime pay and removes the reference to "training in the armed forces" that had been proposed in the earlier regulations and improperly exempted some veterans.

To close, I would like to extend my appreciation to Secretary Chao and the Department staff for their tireless efforts on behalf of America's workforce to ensure that all workers receive the overtime pay they have rightfully earned.

I urge my colleagues to vote "no" on the Obey Amendment.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. McKEON. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, Members should understand that the new rules that went into effect on August 23, in my opinion, will guarantee more overtime for more American workers than the rules that were in effect prior to that. It is because we guarantee anyone making up to \$23,660 overtime regardless of what their position is, where it was only \$8,060 before that. I think the clarity that comes with these new rules will help better protect the American workers.

I just received a letter from the U.S. Department of Labor, the Solicitor's Office. Let me quote in part:

"The Department of Labor has carefully reviewed this proposed amendment and analyzed its legal and practical effect. The proposed funding amendment will not repeal the new regulation that went into effect on August 23, 2004—employers will continue to determine an employee's eligibility for overtime according to the new tests. Rather, as we explain below, the amendment will essentially serve only to prevent the Department from using its enforcement resources to protect the overtime rights of any employee who earns \$455 or more per week."

Going on further in the letter they say: "Although we have not been able to obtain a copy, we understand that the Congressional Research Service provided an opinion in August that the funding rider would 'require' DOL to 'immediately rescind' the final rule. This claim is contrary to settled case law, the APA, and, most importantly, the plain language of the proposed amendment. The proposed amendment only restricts the Department's ability to spend funds to enforce the new, stronger overtime protections, but does not affect the validity of the rule and has no impact on private enforcement of the new regulations under section 16(b) of the Fair Labor Standards Act. Simply put, the amendment would not require the Department to take any action to repeal the new rules, and the Department will not repeal the final rule—because to do so would deprive workers of the new, stronger overtime protections."

Continuing: "Because the amendment essentially restricts the use of funds to implement or administer the new regulations, the proposed amendment would prevent the Department from conducting investigations or enforcing any of the provisions of the new regulations except those at 29 C.F.R. 541.600. The proposed funding restrictions will also preclude the Department of Labor from providing any information or assistance to employees or employers as to the new overtime rules. As an example, we will be powerless to bring an enforcement action on behalf of a licensed practical nurse making \$460 a week who claims that he or she was not paid for substantial amounts of overtime worked after August 23, 2004."

"Even if the Department were prohibited from enforcing the new regulations, the Department would still have no legal authority to enforce the old rules because the old regulations were superseded as of August 23, and, thus, are no longer in effect."

The point here is that the last two times this amendment has been on the floor, existing regulations were in place, but when the new rules went in place the old regulations went out of existence, and if the Obey amendment were in fact to pass today, we would essentially strip the Department of Labor's ability to enforce the new regulations and to protect the overtime rights of American men and women. I

do not think that is what we want to do.

So I would urge my colleagues to vote "no" on the Obey amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have just seen the last desperate attempt by the Department of Labor to hold on to its outrageous regulations to take away overtime from 6 million hard-working Americans; 6 million Americans that use overtime to maintain their status in the middle class; 6 million Americans that use overtime to pay for their children's education, to qualify for their home, to make their car payments; 6 million Americans that hate overtime on Thursday and Friday night and over the weekend, but they love it at the end of the year when it is in their W-2 form.

It makes up a considerable amount of their yearly income. For those who receive overtime, it is as high as 20 to 25 percent of their income throughout the year. This is how they maintain their standard of living, by working overtime.

And what is overtime? It is the premium time you get paid because you were asked to work beyond your 40 hours. You get a premium because you have to go out and rearrange your child care arrangements, you have to change your doctor appointments, you have to limit your ability to see your children and participate in their school events or sporting activities. Because it imposes a burden on the worker and it gives a benefit to the employer, that is why it is premium time.

What does the Department of Labor do, what does the Bush administration do, and what is this Republican Congress trying to do? They are saying to the American worker, you are going to work the hours; you are just not going to get the pay.

This is the largest government-imposed pay cut in the history of this country, the largest government-imposed pay cut in the history of this country, when American workers are threatened by the outsourcing of their jobs, instability in the workplace, a struggling economy, their pensions are under assault, their companies are threatening to go to bankruptcy court to get rid of their health care, to get rid of their pensions, to undermine their wages, to take away their union contract, if they have one. And what is the Bush administration's response to this? To cut their overtime.

What is it that the middle class in America did that so enraged the Bush administration that they have an all-out attack on middle-class families, hard-working families in this country? What is it that the middle class did to anger them that they would undermine their pensions? What is it that the middle class did to anger them that they would try to take away their ability to control their workplace and the hours they work, to take away their over-

time pay, to try to get rid of their ability to organize?

□ 1345

It is the middle class that built this country. They built the great institutions of this country. They built the great structures of this country. They built our cities. They built our colleges. They built our universities. It is the middle class that we hold up to the rest of the world and say, if you have a large middle class, you can have a great democracy, if people truly believe that they are getting the chance to participate and to better the future of their children and to better their lot in life.

Now, all of a sudden, along comes the Bush administration, and they think the middle class is the enemy. They have been waging a campaign for 4 years against the middle class Americans and their standard of living. They have dramatically increased the debt that they are going to have to pay back to the government. They have dramatically underfunded the capabilities of Medicare and Social Security that the middle class is going to rely on for health care and for retirement. But I guess maybe the Bush administration, with their trust funds and their money and their oil companies, they do not understand that. They have never shared those burdens of the middle class.

So what we just saw here was the last attempt by the Solicitor in the Department of Labor, who has had to rewrite these regulations several times because they have never been able to get them right, because they have uncovered so many people they said were not uncovered, and they did not cover people they said were covered; but now that same Solicitor comes out and tries to tell us that if the Congress tampers with this, somehow it will undermine the rights of working people to get overtime.

Well, that is a Republican Solicitor working for the Republican Department of Labor, who is working for the Republican Secretary of Labor, who is working for the Republican President. But if you go to CRS, which is non-partisan, they simply say, we all understand this, we have seen these riders before. This tells you to go back to the regulations and reimplement the regulations that were in effect on July 14, 2004. That is the plain reading of this act, and Congress has done this many times.

So if you vote for this, what you will be doing is saving millions of people their right to overtime for the work that they provide. Millions of people who, if you do not vote for this, working foremen, working supervisors, assistant managers, team leaders, registered nurses, workers who perform a relatively small amount of supervisory amount of administrative work, they are going to take away your overtime if you tell somebody to stand over there or move over there.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, they are going to take away your overtime if you are a chef or a nursery school teacher. No matter how low your pay, they are going to take away your overtime. Workers in the financial services industries, the insurance claims adjusters, journalists; hello, journalists, you are about to lose your overtime.

What is it you guys have against these hard-working Americans that you are going to rip them off this pay that they are entitled to?

Well, let us understand. Let us understand what it is about. Let us understand that these are people who work hard and rely on this, and this Congress, this Congress should not be the handmaiden of this activity. And if this amendment prevails, if the Obey-Miller amendment prevails, these workers will have another chance at holding onto that pay for their work that is so terribly important to them.

I would hope that we would reject all of the scare tactics, we would reject the Solicitor that has not gotten it right yet, and we would reject the Department of Labor.

Remember the Department of Labor when they issued these regulations, they said none of these people are affected? Then Senator JUDD GREGG ran around and created an amendment and entered 50 categories of people that he wanted to exempt from the people that the Department of Labor said were not impacted. That is what the Republicans' response was in the Senate. They immediately exempted 50 professions because they were terrified that the regulations were wrong, and the regulations, in fact, turned out to be wrong. They said they did not cover fire and policemen, and then they had to cut a side deal with firemen and policemen because they were wrong.

So let us not trust the Solicitor of the Department of Labor. Let us go with what CRS says. This is what the Congress has done, and we do this every appropriations season on riders. This is a rider to protect the American wage-earner in this country, and I hope that we will pass it.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, well, we are getting down to a close on this, and I think the fact that most of our speakers have been from the Committee on Education and Workforce illustrates the fact that this is a legislative issue that ought to be debated and dealt with there, but, in reality, it is before us.

But I want to just simply point out a few facts, and I hope that those of our colleagues who are listening will keep this in mind. That is that in the opin-

ion of the Solicitor from the Department of Labor, if we pass this amendment, it will preclude the Department of Labor from enforcing regulations. That means that every employee that wants to get overtime will have to do it on their own. It would be a bonanza for the legal profession, because they would be filing lawsuit after lawsuit to claim their overtime, alleged overtime, rights. So that is fact number 1.

Fact number 2, the allegation is that we would go back to the old regulations, but the truth of the matter is, they are gone. Therefore, the Obey amendment covers those people under \$23,600. But anyone over that amount, which is about 34 million workers, would have no coverage. Now, they can say, oh, yes, the old regulations would be put in place, and even if the Secretary of Labor were to attempt to do that, it would be subject to the rulemaking requirements, the rulemaking process, because the law requires that. And it took 2 years to do the new regulations, and, therefore, it would take at least 2 years to put back in place the old regulations.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say, I understand the gentleman is trying to make a point, but the fact is, as the sponsor of the amendment, I will state categorically that legally the administration has the authority to reimpose those regulations within 1 day. And to suggest that they would not and leave the case that the gentleman is talking about is to suggest that they are even more irresponsible than I think they are.

Mr. REGULA. Mr. Chairman, reclaiming my time, I think that is an opinion that would be subject to legal action. But I think, in my judgment, as I understand this, once the new regulations were put in place, the old ones are gone, and, therefore, to put the old ones back in place will require a new round of the rulemaking process. So you have employees over \$23,600 who are without coverage for a period of 2 years. They would have to try to enforce whatever might be perceived as overtime.

Would the gentleman from Wisconsin admit that he precludes the Department of Labor from enforcing these regulations, but that does not mean that they will, and they may do nothing, if the Obey amendment passes?

Mr. OBEY. Mr. Chairman, if the gentleman will yield, the CRS memo states that the general rule requiring publication of a final rule not less than 30 days before its effective date may likewise be voided "as otherwise provided by the agency for good cause found and published with the rule."

That means that they can reinstitute those rules on their own volition in 1 day.

I thank the gentleman.

Mr. REGULA. That is the CRS's opinion, and we would have to clarify that.

I yield to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I think it is pretty clear in the Solicitor's letter from the Department of Labor that they do not share the opinion of the Congressional Research Service. The fact of the matter is that even if they did, the gentleman's amendment, the Obey amendment, would preclude, would preclude the Department of Labor from advising employees, advising employers, and enforcing the law for anyone who makes over \$23,660 per year. It would preclude that action and that help for 1 year, under the gentleman's amendment.

I do not think we want to eliminate these protections and the enforcement of these protections by the Department of Labor.

Mr. REGULA. Mr. Chairman, reclaiming my time, I think the gentleman makes the point very clear.

I would say to my colleagues, when you vote on this, keep in mind that you are putting 34 million workers at risk who may end up with no coverage for as much as 2 years under the requirement of the rulemaking process to put anything back in place for these rules.

I want to make one other point, and that is that it has been raised that we had a motion to instruct. Keep in mind that when the motion to instruct, when many Members voted for it was when the old rules were still in place, and the motion to instruct would have allowed, had it actually been consummated, would have allowed the old rules to be enforced, but they are gone. They are gone. Therefore, there would not be anything out there if we take away the Department's authority, which is being proposed by this amendment.

So I have to reiterate that we are running a great risk that in passing this amendment, if it were to become law, that 34 million workers will be on their own.

Let me make a couple of other points, and that is, under the proposal of the Department of Labor, contracts can cover any matters of overtime rules. They can be put into union contracts, and it would supersede any departmental regulations. So any way we look at it, we are not doing people a favor by voting for this. I think, in fact, we are putting their overtime very much in jeopardy, and I hope my colleagues will consider that as they vote on this issue and on this proposed amendment.

Mr. GREEN of Texas. Mr. Chairman and Members, I'd like to thank my colleague, Mr. OBEY for offering this amendment.

The Department of Labor has implemented new overtime regulations that my colleagues on the other side of the aisle claim will bring 1.3 million new people into overtime eligibility. However, other independent studies such as

the one by The Economic Policy Institute report that at least 6 million will lose their overtime rights under this rule. Also, this analysis projects that only 400,000 low-income workers will now qualify for overtime pay. Not the 1.3 million claimed by the Administration.

Yesterday, leadership refused to debate this amendment because several of their colleagues would have voted for this amendment. This only indicates that both Republicans and Democrats know that passing this amendment is the right thing to do.

My home state of Texas has an unemployment rate higher than the national average and that's true for the City of Houston as well. Many of my constituents rely on what they make in overtime pay to keep the lights on in their homes. I think it's time we start thinking about our most important resource in this country: the American Worker, and vote "yes" to this amendment.

Mr. OWENS. Mr. Chairman, I rise in strong support of this amendment to restore overtime pay to millions of hard-working Americans, as proposed by my distinguished colleague from Wisconsin. I ask that my entire statement be printed in the RECORD and request permission to revise and extend my remarks.

Just 3 days ago this Nation celebrated Labor Day, honoring the millions of hard-working Americans we all depend upon to build and repair our homes, fix our cars, install neighborhood street lights, stock supermarket shelves, teach our preschoolers, care for elderly relatives, provide nursing care when we need it, prepare restaurant meals, report the local news, and patrol the streets to keep communities safe. By taking on such jobs, these workers keep America running. Yet these are they very same workers that the Bush Administration has now stripped of any right to overtime pay.

When the Department of Labor's final rule on overtime went into effect on August 23rd, some 6,000,000 American workers lost a right that had been guaranteed for more than 65 years under the Fair Labor Standards Act. That right is simple and straightforward. It guarantees that workers required to work overtime will get paid for those extra hours of work.

This simple right used to ensure that policemen and women, registered nurses, chefs, team leaders on construction sites, assistant managers in fast food restaurants, nursery school teachers, grocery clerks, car mechanics at the local dealership, and countless others were treated fairly. When their employers required them to work overtime, they were paid for that work. That is only fair and fair-ness used to be the American way.

But the Bush Administration and the Republican leadership in Congress have decided that fairness doesn't apply any more to these American workers. They have come up with a new scheme, which meets Webster's Dictionary definition of servitude. Under Republican management, employers can require these same employees to work as many hours over a standard 40 hour work week as they say, without paying the workers an extra dime.

What makes this Bush and Republican-backed scheme even worse is that it has no expiration date. Under seventeenth and eighteenth century indentured servitude, there was an end in sight. Once you paid off your indentureship, you were free and clear. Under the Bush Administration's final overtime regula-

tions, if you fit the category your employer can continue to require you to work overtime without pay for as far into the future as anyone can see. This kind of exploitation is blatantly un-American.

The amendment of my colleague from Wisconsin would overturn this un-American servitude scheme by rescinding the Bush Administration's harmful changes in overtime eligibility. At the same time, this amendment would require enforcement of the one noncontroversial provision in the final rule. This minor salary adjustment would ensure immediate expansion of overtime coverage.

Again, I strongly support this amendment to restore workers' overtime rights and return us to the 21st century norms of American fairness.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCKEON) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5006, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. REGULA. Mr. Speaker, in the interests of expediting the rest of the afternoon and getting people out at a reasonable time, I ask unanimous consent that during further consideration of H.R. 5006 in the Committee of the Whole, pursuant to House Resolution 754, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments 1 and 2;

Amendment 6, which shall be debatable for 30 minutes;

An amendment by Mr. STARK regarding Centers for Medicare and Medicaid Services, which shall be debatable for 20 minutes;

An amendment by Mr. NEUGEBAUER regarding NIMH grants;

An amendment by Mr. HAYWORTH regarding totalization agreements with Mexico, which shall be debatable for 30 minutes;

An amendment by Mr. GARRETT of New Jersey regarding participation by Federal employees in conferences;

An amendment by Mr. OBERSTAR regarding fatal chronic illness;

An amendment by Mr. RAMSTAD regarding SAMHSA;

An amendment by Mr. BROWN of Ohio regarding Centers for Medicare and Medicaid Services;

An amendment by Mrs. WILSON of New Mexico regarding Head Start;

An amendment by Mr. KING of Iowa regarding section 505 of the Illegal Immigration Reform and Responsibility Act;

An amendment by Mr. JOHN regarding mosquito control;

An amendment by Mr. KILDEE regarding education funding, which shall be debatable for 20 minutes; and

An amendment by Ms. BORDALLO regarding Medicaid funding.

Each such amendment may be offered only by the Member named in this request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

□ 1400

The SPEAKER pro tempore (Mr. MCKEON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 754 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5006.

□ 1400

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human